

REMARKS

I. Status of the Application:

Claims 1-23 and 27-32 were pending in the application prior to this submission as claims 24-26 were previously canceled. All pending claims were rejected by the Examiner.

Claims 15, 17, 20 and 30 were amended in this response. No new matter has been introduced, and thus, entry and consideration of this Amendment are respectfully requested.

II. Response to Claim Objections:

The Examiner objected to method claim 30 as being in improper dependant form for failing to further limit the subject matter of a previous claim that is directed to an apparatus.

Initially, Applicants have corrected two grammatical and/or typographical errors that were inadvertently introduced into claims 15, 17 and 20 by prior amendment. Further, claim 30 now depends from claim 29, which resolves the dependency issue as both claims are methods.

In view of the above, Applicants believe that all formal issues have now been resolved, and therefore, respectfully request that the objection to claim 30 now be withdrawn.

III. Response to 35 U.S.C. §103 Rejections:

Claims 1-18, 27-29, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Strietzel (U.S. 2001/0051517, hereafter "Strietzel") in view of Reese (U.S. 2003/0191685, hereafter "Reese"). Claims 19-23 and 30 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Strietzel alone. In particular, the Examiner alleges that claims 1-23 and 27-32 are obvious in view of Strietzel alone, or alternatively, combined with Reese.

As no amendments presented in this response substantially alter the metes and bounds of the previously pending claims, Applicants respectfully request reconsideration of the previously pending claims in view of the following remarks. Initially, claim 1 recites, "a promotion server configured to communicate a promotion message associated with an event having a defined start time to one or more communication terminals through at least one communication network in response to receiving a promotion message request from an event manager." Applicants respectfully assert that at least this limitation is neither recited nor implied by Strietzel. As stated by the Examiner, Strietzel discloses, "The telecommunications advertising means comprises an advertisement database and a processing means." Initially,

Applicants are confused as to why the Examiner refers to a "database" when no database is actually recited in claim 1. A database may, in accordance with various embodiments of the present invention, be comprised within the promotion server, but the presence of a database appears to be only tangentially related to the claimed embodiment of the present invention.

Initiation of the promotional message in claim 1 is performed by the event manager, which sends a promotional message request to the promotion server. This means that the event manager is the requestor. Strietzel discloses, *inter alia*, "For example, when a terminal to terminal communication is initiated, processing means 104 may associate an advertisement with the source and route it back to the source terminal" [0042]. However, initiation of terminal to terminal communication cannot be construed as a request for promotional material, and thus, no sending of a promotional request is disclosed in Strietzel.

Claim 1 further recites, "said promotion server further being configured to receive an acceptance signal from the one or more communication terminals through said at least one communication network...said promotion server comprising a register for associating an accepting communication terminal of said one or more communication terminals with said promotion message, on reception of said acceptance signal from said accepting communication terminal." In claim 1 the promotional server is configured to BOTH receive an acceptance signal from the one or more communication terminals through said at least one communication network AND comprises a register for associating an accepting communication terminal of said one or more communication terminals with said promotion message, on reception of said acceptance signal from said accepting communication terminal. In response, the Examiner alleges that a cellular network or a paging network and processing means perform these tasks, respectively.

Applicants respectfully assert that a server is absolutely not the same as a cellular or a paging network, and furthermore, a cellular or paging network would not be able to perform the other tasks also disclosed in claim 1. In addition, no acceptance signal is recited or implied by the Strietzel reference. What is disclosed, as the Examiner notes, is that it is possible to select to receive more information about a particular service and be connected to the company offering the products or service. These activities comprise at least two different kinds of information that require different kinds of handling. Reese also fails to teach or suggest the use of acceptance signals. Reese only discloses how users react on reminders is collected and encoded. [0034]

In addition, “associating an accepting communication terminal of said one or more communication terminals with said promotion message, on reception of said acceptance signal from said accepting communication terminal,” as recited in claim 1, is not the same as associating and advertisement with the information determined. What is described in claim 1 requires registration, not just mere association. Claim 1 further recites, “and said promotion server further being configured to communicate a reminder signal for said event to said accepting communication terminal through said first communication network.” The Strietzel reference does not recite or imply the sending of any reminder signals.

Furthermore, even if elements of the cited references are alleged to be analogous to physical aspects set forth in the claims, the claimed interdependencies between these aspects are neither recited nor implied by the references, taken alone or in combination. In particular, the Examiner combines elements (e.g., a network and a processing means) that reside in either Strietzel or Reese. Since these elements are derived from disparate systems, they cannot render the claimed interdependencies obvious without explicit support from analogous teachings in the art at the time the invention was made. To allow such would constitute impermissible hindsight. Since both Strietzel and Reese omit any interaction analogous to what is claimed, Applicants therefore contend that the present invention is non-obvious. In addition, there are no acceptance signals, and thus no accepting communication terminals disclosed in the prior art, neither is any promotional message request nor its interdependencies with the individual elements disclosed.

Regarding claims 16, 29, 31 and 32, the Examiner provides similar arguments for claims 16, 29, 31 and 32, thus similar argumentation is provided. Claim 16 recites, “initiating a promotion message via an event manager forwarding a promotion message request to a promotion server.” As previously set forth above, no event manager initiates a promotional message by forwarding a promotion message request to a promotion server in the Strietzel reference. Terminal to terminal communication cannot be construed as initiating a promotion message via an event manager by forwarding a promotion message request to a promotion server.

Claim 16 further recites, “receiving an acceptance signal from an accepting communication terminal of said one or more communication terminals via said promotion server.” Applicants do not agree with the Examiner’s broad interpretation of the Strietzel reference in view of this limitation. In the claimed embodiment of the present invention, the

promotion server determines which advertisement to route to the user's devices and how best to route it. On the contrary, the advertisement in the Strietzel system is routed based on general criteria and a receiver can chose to be connected to an advertiser, which is not the same as receiving an acceptance signal from a specific communication terminal. Moreover, the claimed acceptance signal is sent via a promotion server. This is not analogous to a system that establishes telephone connections.

In Strietzel, an advertisement is generally associated with a source and/or destination, which is not equivalent to "associating said accepting communication terminal with said promotion message on reception of said acceptance signal from said accepting communication terminal via a register of said promotion server" where the association is specific.

Claim 16 further recites "transmitting a reminder signal for said event to said accepting communication terminal through said first communication network via said promotion server" Applicant's dispute the Examiner's decision not give patentable weight to the reminder signal. MPEP §2143.03 states: "All words in a claim must be considered in judging the patentability of that claim against the prior art." Furthermore the features identified by the examiner, ("[t]he telecommunications advertising means comprises an advertisement database and a processing means" in paragraph 0007, and "[t]he user may even be able to select that more information or similar advertisement sources be provided;" in paragraph 0065) has nothing to do with transmission of a reminder signal. It is also noted that the Examiner did, in this instance, give patentable weight was given to this feature in the previous office action.

With respect to claim 19, the Examiner asserts that all of the claimed features are found in two devices, namely a message database and router disclosed in the Strietzel reference. Claim 19 only discloses a single device. Furthermore, claim 19 is directed to apparatuses corresponding to the receiver of the promotion message, while the router and message database (e.g., in figure 1) are apparatuses corresponding to a sender. As a result, the configuration of the claim 19 apparatus and the router/message database of Strietzel are completely different. The Examiner does not state any reason for a person skilled in the art to modify the setup in Strietzel.

Furthermore Strietzel does not recite or imply a calendar module, and therefore, adding calendar operations to the message database, as suggested by the Examiner, would not enable a user of the apparatus set forth in claim 19 to perform general calendar operations as the

message database is located at the sender premises (see [0022]). Furthermore, the messaging module, media playback module and the promotion messaging module cannot be deemed as equivalent to a router. A router is described in Strietzel as: "Router 106 receives incoming communication 108 and connects it to the appropriate destination 112. Router 106 may, for example, be part of a fixed-line telecommunications network, such as a PSTN or ISDN, which generally connect ordinary telephone sets together via switching centers." [0022] The configuration described in the Strietzel reference does not correspond to a location where a person skilled in the art would consider placing modules that should be accessible to a user.

In view of the above, Applicants assert that at least claims 1, 16 and 19 are clearly distinguishable from the references cited by the Examiner, taken alone or in combination. All other pending independent claims include at least the aspects of claims 1, 16 and 19 discussed above, and therefore, are likewise distinguishable. All other claims not addressed above are distinguishable in view of their dependence from the aforementioned independent claims. Thus, applicants respectfully request that the 35 U.S.C. §103(a) rejections now be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4224. A DUPLICATE OF THIS PAPER IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4224. A DUPLICATE OF THIS PAPER IS ATTACHED.

Respectfully submitted,
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